

GAU 2187#3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: EDWARD A. HUBBARD
Filed: MARCH 30, 2000
For: SWEEPSTAKES BACK-UP SYSTEM AND ASSOCIATED METHOD
Serial No.: 09/539,107
Group Art Unit: 2759
Examiner: UNKNOWN
Atty Docket No.: ETHG:008 (f/n/a BAY3:008)

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Pursuant to 37 C.F.R. 1.8, I certify that this correspondence is being deposited with the U.S. Postal Service in a first class, postage prepaid, envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on the date below:

10/20/00
Date

Kim McNew
Name

**RESUBMISSION OF ELECTION
AND POWER OF ATTORNEY DOCUMENTS**

Assistant Commissioner For Patents
Washington, D.C. 20231

Dear Sir:

On May 18, 2000, we filed the following documents relating to the application identified above: (1) Assignment, (2) Recordation Cover Sheet for the Assignment, (3) Election and Power of Attorney from the Assignee, and (4) Statement Under 37 CFR 3.73 by the Assignee along with (5) a copy of the Assignment.

Documents 4-5 were returned to us by the Patent Office with an indication that they were recorded with the Assignment at Reel/Frame 010840/0034. These documents, however, should be directed to the Examiner to be placed in the application file.

Therefore, enclosed please find the following:

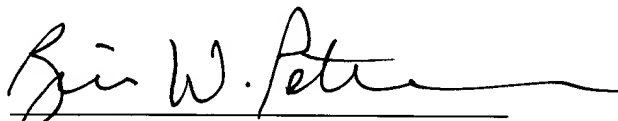
- ☐ Election and Power of Attorney (2 pages)
- ☒ Statement Under 37 CFR 3.73(b) (1 page) and copy of Assignment (1 page)
- ☒ Postcard. Please date stamp and mail this postcard to acknowledge receipt

of the enclosed documents.

- ☒ The Commissioner is authorized to deduct any requisite fees under 37 CFR 1.16 to 1.21 from, or deposit any credits to, Deposit Account No. 10-1205/ETHG:008.

The Examiner is invited to contact the undersigned at 512-347-1611 with any questions or comments, or to otherwise facilitate expeditious prosecution of the application.

Respectfully submitted,



Brian W. Peterman
Registration No. 37,908
Attorney for Applicant

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PTO/SB/96 (6-98)
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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Edward A. Hubbard

Application No./Patent No.: 09/539,107 Filed/Issue Date: March 30, 2000

Entitled: DISTRIBUTED BACK-UP SYSTEM AND ASSOCIATED METHOD

Ethergent Corporation, a corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

5/15/00
Date

Edward A. Hubbard
Signature

Edward A. Hubbard
Typed or printed name

Chief Executive Officer
Title

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ASSIGNMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, do hereby:

SELL, ASSIGN AND TRANSFER to ETHERGENT CORPORATION (the "Assignee"), a corporation of the State of Delaware, having a place of business at 11675 Jollyville Road, Suite 100, Austin, Texas 78759 the entire right, title and interest for the United States and all foreign countries in and to any and all improvements which are disclosed in the application for United States Letters Patent, filed March 30, 2000, Patent Application Serial Number 09/539,107 and is entitled "DISTRIBUTED BACK-UP SYSTEM AND ASSOCIATED METHOD," such application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such application in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; and generally do everything possible which the Assignee shall consider desirable for vesting title to such improvements in the Assignee, and for securing, maintaining and enforcing proper patent protection for such improvements;

TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

(Signature): *E. A. Hubbard*
Edward A. Hubbard

Date: 5/15/00

State of Texas)
County of TRAVIS)

BEFORE ME, the undersigned authority, on this 15th day of May, 2000, personally appeared Edward A. Hubbard, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.

Debbie Ferrara
Notary or Consular Officer

[SEAL]

